Mr. P. Nilakanta Menon.—I want notice.

Mr. K. M. Ibrahim—With reference to (f), according to the schedule rates, how many can be accommodated in a room of 17 feet by 12 feet as they do in the Central Jail, according to the Jail Rules?

Mr. P. Nilakanta Menon.—I can't say.

138. Mr. K. Mohamed Seethi.—Will the Government be pleased to state—

(a) whether the Satyagraha volunteers were beaten with lathis, slapped, fisted and kicked or otherwise roughly handled by the police when they were marched to the station;

(b) whether any violence was used on them after they were taken inside the police station;

(c) whether the volunteers were stripped off their shirts and caps before they were confined in the cell?

(d) the names and designations of the officers who were on duty at the station when the volunteers were in the station on 7th December 1933;

(e) which officer authorised the police to subject the volunteers to the above ill-treatment?

Mr. P. Nilakanta Menon.—(a) No.

(b) No.

(c) The shirts and caps were removed.

(d) Head constable No. 320 Kuriakko was in charge of the station.

(e) No answer is called for in view of the answer to (a) and (b).

Mr. K. Mohamed Seethi.—(c) May I know under what rules or regulations were these shirts and caps of the arrested persons removed?

Mr. P. Nilakanta Menon.—It is answered in Question No. 139. Under section 36 of the Criminal Procedure Code and article 132 of the Police Manual.

Mr. K. Mohamed Seethi.—May I know whether article 132 of the Police Manual relates to the same specific question referred to in section 36 of the Criminal Procedure Code?

Mr. P. Nilakanta Menon.—Yes.

Mr. K. Mohamed Seethi.—If that is so, this is section 36. "May search such person, and place in safe custody all articles, other than necessary wearing apparel found upon him". May I know whether shirt and cap form a part of a man's wearing apparel?

Mr. P. Nilakanta Menon.—We do not think that these are necessary wearing apparels.

Mr. K. Mohamed Seethi.—What are the rules under which the word wearing apparel has been defined?

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Mr. P. Nilakanta Menon.—A mundu.

Mr. K. Mohamed Seethi—Which is the rule which gives the definition?

Mr. P. Nilakanta Menon.—You will see a note there to the Police Manual. It is said there that except Thali and necessary wearing apparel. According to the practice obtaining we generally give only a mundu.

Mr. K. Mohamed Seethi.—I want to know the justification of the practice?

Mr. P. Nilakanta Menon.—That is the interpretation of the rule given by the Government.

Mr. K. Mohamed Seethi—Has the Government Advocate been referred to in the matter of giving his opinion? Whether there is any rule to show that a shirt is not a part of a man's wearing apparel?

Mr. P. Nilakanta Menon.—Till now we never had any such dispute.

Mr. K. Mohamed Seethi.—That is not a reply to my question. I want to know why you should not have been doing that.

Mr. P. Nilakanta Menon.—Government have interpreted it and have been following a certain procedure and it has never been objected to till now. If you object the matter will be looked into.

Mr. K. Mohamed Seethi.—Am I to understand that the matter has not been brought into by the Government till now.

President.—What the member says is that it has been the custom in the past to give only a mundu as necessary apparel for the jail.

Mr. K. Mohamed Seethi.—I was asking whether there was any rule or provision of law to justify that custom?

President.—That is the interpretation hitherto placed upon article 132 of the Police Manual.

Mr. K. Mohamed Seethi.—But for taking up a particular interpretation there must be some authority. I am asking the Government whether there was any authority. The Commissioner said that the prisoners did not protest. I ask whether the Government did not go into the question because the prisoners did not protest.

Mr. P. Nilakanta Menon.—According to our interpretation the necessary wearing apparel means only a mundu and we have been adopting that procedure. As to how it came about I want notice.

Mr. P. Kumaran Ezhuthassan.—May I know whether a mundu is considered to be the necessary wearing apparel to all classes of prisoners?

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Mr. P.Nilakanta Menon.—A mundu or trousers, nothing else.

Mr. P. Kumaran Ezhuthassan.—With nothing else on the body too.

Mr. P. Nilakanta Menon.—No.

Mr. A. Eachara Menon.—Do the Government supply shirts to prisoners?

Mr. P. Nilakanta Menon.—No, for the under-trial prisoners.

Mr. A. Sankara Poduval.—May I know whether there has been any complaint that the jail rules have been transgressed.

Mr. P. Nilakanta Menon.—No.

Mr. A. Eachara Menon.—Are the convicted persons worse than the under-trial prisoners.

Mr. K. Mohamed Seethi.—May I know whether there is any provision of law in the jail rules by which the under-trial prisoners are to be permitted to have their own wearing apparel?

Mr. P. Nilakanta Menon.—Notice.

Mr. K. Mohamed Seethi.—For how many days were these prisoners deprived of their shirts and caps which according to the Government are not part of wearing apparel?

Mr. P. Nilakanta Menon.—I want notice.

Mr. P. Kumaran Ezhuthassan.—At any time when they were in jail were these ever restored to them while they were in prison?

Mr. P. Nilakanta Menon.—I want notice.

Mr. K. Mohamed Seethi.—May I know whether person arrested elsewhere were similarly deprived of their shirts and caps for example in Cranganur some were arrested in connection with this?

Mr. P. Nilakanta Menon.—Notice.

Mr. K. T. Mathew.—Is there any uniformity of procedure in this?

Mr P. Nilakanta Menon.—Yes.

Mr. K.T. Mathew.—I saw some wearing shirts in the Trichur Central Jail.

Rama Varmha Tampuran.—These shirts were removed because they were wearing the badges and they wanted to take the whole thing before the Magistrate.

Mr. P. Kumaran Ezhuthassan.—May I know whether these badges were attached to the shirts?

Rama Varmha Tampuran.—They wanted to take them as evidence.

Mr. K. Mohamed Seethi.—Are not the Government aware whether the shirts were restored?

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Rama Varmha Tampuran.—I do not think these particular shirts were restored to them.

Mr. K. T. Mathew.—Are they still in the possession of the Government?

Rama Varmha Tampuran.—I do not know whether they have auctioned or otherwise disposed off.

Mr. K. T. Mathew.—Did the Government look whether these badges are removable.

Rama Varmha Tampuran.—They might be.

Mr. K. M. Ibrahim.—Was not a statement taken from the volunteers by the police in the evening regarding some of the injuries on their back?

Mr. P. Nilakanta Menon.—I want notice.

139. Mr. K. Mohamed Seethi—Will the Government be pleased to state—

(a) whether the Satyagraha under-trial prisoners in the Ernakulam sub-jail were deprived of their shirts, caps and second cloths after they were taken to the sub-jail.

(b) for how many days they were so deprived;

(c) under what section or sections of the jail rules were they so deprived;

(d) whether under-trials are so deprived of their clothing in the Central Jail;

(e) whether the under-trials protested against the drpriva-tion of their clothing;

(f) whether they were on hunger-strike to signify their protest;

(g) when the hunger strike commenced;

(h) when it terminated;

(i) what other grievances they had for going on hunger-strike;

(j) how many days and hours after their arrest were the under-trials allowed to bathe;

(k) the reason for the delay?

Mr. P. Nilakanta Menon.—(a) and (b) The Police removed the shirt with the Satyagraha badges. But the prisoners were not deprived of their wearing apparel.

(c) Under section 36, Criminal Procedure Code and Article 132 of the Police Manual.

(d) No.

(e) They did not protest against the procedure contemplated by section 36 of the Criminal Procedure Code. Some of them however told the Sub-jail Superintendent that they would like to have shirts or Banians for purposes of conducting their prayers and they were allowed the same at their own cost.

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